IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23820 of 2004

Between:

E.Surya Chandra Gowd, S/o.Pullaiah Gowd,
Aged about 35 years, R/o.Kamaganikuntla,
Dhone Mandal, Kurnool District.

..... PETITIONER

AND

1. The Joint Collector, Kurnool District.
2. The Revenue Divisional Officer, Kurnool District.
3. The Mandal Revenue Officer, Dhone Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd Respondent in Proceedings Rc.M.1137/04 Dt.8.10.2004 as illegal, arbitrary, malafide against the Provisions of Control order 2001 and consequently direct the respondents to restore the authorisation of the petitioner by suspending impugned proceedings pending the disposal of the appeal before the 1st Respondent.

Counsel for the Petitioner: MR.K.V.RAGHU VEER

Counsel for the Respondent Nos. 1 to 3: GP FOR CIVIL SUPPLIES

The Court, at the admission stage, made the following:

ORDER:

Petitioner is a fair price shop dealer of Kamaganikuntla Village, Dhone Mandal, Kurnool District. His authorization was suspended by the 2nd respondent through proceedings, dated 08.10.2004, alleging that he committed certain irregularities in the distribution of essential commodities. Petitioner preferred an appeal against the same before the 1st respondent along with an application for stay. Alleging that the 1st respondent did not pass any orders on the application for stay, petitioner filed W.P.No.19658 of 2004. It was disposed of by this Court through order, dated 27.10.2004, directing the 1st respondent to pass appropriate orders in the application for stay, within one week from the date of receipt of the order. Petitioner states that no orders have been passed by the 1st respondent so far, and seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil supplies.

If the 1st respondent has not passed any orders so far in the application for stay, despite the orders of this Court in W.P.No.19658 of 2004, it amounts to not only dereliction of duties on the part of the 1st respondent, but also violation of directions issued by this Court. If there is any impediment in complying with the directions, steps ought to have been taken seeking extension of time.

On taking the totality of the circumstances into account, this Court is of the view that the petitioner cannot be made to suffer for the inaction on the part of the 1st respondent.

Hence, the writ petition is disposed of directing that the order of suspension passed by the 2nd respondent against the petitioner shall stand stayed, till the 1st respondent disposes the appeal, and the petitioner shall be entitled to function as fair price shop dealer. No order as to costs.

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L.NARASIMHA REDDY, J

Dated : 21st December, 2004

Note: Office to furnish copy

In three days.

(B/o.)

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To

1. The Joint Collector, Kurnool District.
2. The Revenue Divisional Officer, Kurnool District.
3. The Mandal Revenue Officer, Dhone Kurnool District.

4. 2CCs to the Government Pleader for Civil Supplies, High Court of

A.P. High Court Buildings, Hyderabad (O.U.T)

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